

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**RICKEY A. MACKEY, BALDEMAR  
MERCADO, and GOLDIE BYRD  
Plaintiffs,**

**vs.**

**FLUOR INTERCONTINENTAL, INC.  
Defendant.**

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**Case No. 4:15-cv-01913**

**DEFENDANT FLUOR INTERCONTINENTAL, INC.'S  
MOTION TO DISMISS COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), Defendant Fluor Intercontinental, Inc., hereby respectfully moves to dismiss Plaintiffs Rickey Mackey, Baldemar Mercado and Goldie Byrd's ("Plaintiffs") complaint [Dkt. 1] in its entirety. Plaintiffs' allegations do not state an actionable claim of retaliation under the False Claims Act and are not pleaded with sufficient particularity.

The grounds for this motion are more particularly set forth in the accompanying memorandum. A proposed order granting this motion is attached.

**Dated: August 4, 2015**

**BAKER HOSTETLER LLP**

By: /s/ Dennis Duffy

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**ATTORNEYS FOR DEFENDANT FLUOR  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4TH day of August, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified below in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner to those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

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/s/ Dennis P. Duffy

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